

Notice of Allowability	Application No.	Applicant(s)	
	10/626,327	KICKBUSH, GREGORY F.	
	Examiner Robert J. McCarry, Jr.	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the application filed on 07/24/03.
2. The allowed claim(s) is/are 1-8 and 10-18.
3. The drawings filed on 24 July 2003 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying Indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 07/24/03
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

REASONS FOR ALLOWANCE

The following is an examiner's statement of reasons for allowance: applicant recites a releasable retarder for resisting movements of railway cars moving along a railroad track. The retarder is comprised of first and second shoe beams supported adjacent to rails of the railroad track, a plurality of shoes carried by the shoe beams in a parallel, spaced relation with the first and second rails, a bias structure biasing the shoe beams towards the rails thereby trapping the wheels of the railway car between the shoe beam and the rail and applying a frictional force to slow or stop the cars. The system is further comprised of a bidirectional operating mechanism operable in a release mode for moving the shoe beams inwardly, away from the rails. The shoe beams are moved to the release mode from a home position where the shoe beams are positioned to engage the car wheels. The operating mechanism also moves the shoe beams to a service position between the home position and release position which allows for the insertion of shimming elements. The shimming elements, limits the travel of the shoe beams such that the shoe beams are repositioned in an adjusted position outwardly of the home position closer to the running rails, thereby compensating for wear on the shoes.

The prior art made of reference, taken singularly or in combination, does not adequately disclose the features recited in the instant claims.

Specifically, the prior art of Zhukov et al (US 5,029,675), Bodkin (US 5,388,525), Gutknecht (US Re. 36,084) and Ragsdale (US 5,967,051) all discloses systems for stopping or slowing a vehicle using a retarder. Gutknecht and Ragsdale et al show shoe

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beams that clamp a plate that hangs below the undercarriage of a vehicle. Neither of these reference show the beams to come in contact with the wheels of the vehicle, nor do they show a service position for adding parts to the retarder as recited in the instant claims. Zhukov et al and Bodkin show a retarder system using beans to come in contact with the vehicle wheels and clamp them between the beam and the rail. However, neither reference discloses an intermediate service position for adjusting the beams to compensate for wear on the break shoes as recited in the instant claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. McCarry, Jr. whose telephone number is (703) 305-0581. The examiner can normally be reached on Monday through Friday 10:00am to 3:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joseph Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RJM
June 4, 2004

RJM, C
ROBERT J. McCARRY, JR.
PATENT EXAMINER
3617

S. M.
S. JOSEPH MORANO
SUPERVISORY PATENT EXAMINER
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